

224: Infrastructure Facility office space is defined on site trailer. What about the Kevil "BJC" facility? The telecommunications systems are all located there? Is the offeror required to rent/buy off site space for their people?

Answer: (partial correction to question #131) All phone and data communications travel to and from the Paducah Site through fiber optic cable through the Kevil Building. The Kevil facility has a communications room containing patch panels and routers (i.e., subsystems) by which communications travel to and from BJC. The communications equipment at Kevil is government property and will be provided to the INF contractor for the Paducah Site. The remainder of the answer stays the same.

225: Section C.1, Subsection V, Paragraph F – Computing and Telecommunications Page C-6: Can details be provided on types of current communication systems, numbers and age?

Answer: For information concerning radios refer to the question #216 response. At Paducah, there are 350 phones, 15 commercial cell phones, and 96 commercial pagers. At Portsmouth, USEC manages the phone system and pagers. BJC manages cell phones (14 units) and radios (see #216). The radios are old and the onsite repair shop is leased to USEC. This information is provided for information purposes only. Offerors should not include the cost of replacing radios in cost proposals. If additional radios are required and purchased, they must conform to the USEC narrow band frequency.

226: Page C-19 and C-20, Section C.2.V.F.4, The Contractor's computing and telecommunications system shall be compatible with the computing and telecommunications system utilized by DOE and BJC: Please provide detailed compatibility information for the referenced DOE and BJC computing and telecommunications systems.

Answer: It is unclear what is meant by detailed compatibility information relative to computing. The desktop computers are Microsoft Windows based. Radios and telephones are addressed extensively in previous answers. Telephones, cell phones, and pagers are standard office systems.

227: If a small business "leases" bargaining unit employees from USEC, do those employees count toward the small business labor base? Put another way, does any such arrangement with USEC constitute a subcontract with a big business and thus count as part of the big business component of the infrastructure contract?

Answer: Regarding the "Limitations on Subcontracting" clause at I.25, the offeror/contractor in accordance with FAR 52.219-14(b)(1) of the solicitation, agrees that in performance of a contract for services (excluding construction), "[a]t least 50 percent of the cost of the contract performance incurred for personnel shall be expended for employees of the concern." Offerors are strongly encouraged to review 13 CFR 125.6, in its entirety and all regulations cited therein pertaining to prime contractor performance requirements (limitations on subcontracting). This section references 13 CFR 121.106 when referring to how to define the "personnel" of the small business concern. Offerors are reminded that in accordance with 13 CFR 125.6 (c), compliance will be considered an element of responsibility and not a component of size eligibility. The procedures of 13 CFR 125.5 apply if the contracting officer determines noncompliance and will refer the matter to the SBA for a COC determination.

However, offerors are again cautioned to read Section L.1 of the solicitation and also familiarize themselves with the small business regulations regarding affiliation, which affects size eligibility. Offerors should note that the factors, which are considered by the SBA in determining whether affiliation exists, are set forth in 13 CFR Part 121, Small Business Size Regulations including Size Eligibility Provisions and Standards. Leasing of employees in specific circumstances is addressed in 13 CFR Part 121, Small Business Size Regulations including Size Eligibility Provisions and Standards. Offerors are strongly encouraged to thoroughly familiarize themselves with all of the Small Business Regulations and obtain expert advice on these matters. Offerors are reminded that the Small Business Administration has the sole and exclusive authority for making determination of small business size status, which affects eligibility for award.

228: If we, as the prime contractor, incurred costs for our own employees that represented 40% of the total cost of the contract incurred for all personnel, and we subcontracted to another small business for its employees where the cost therefore represented 25% of the total cost of the contract incurred, as aforementioned, would our proposal qualify as meeting the small business requirements of the Solicitation?

Answer: It is the DOE's interpretation of the above question that the size status of the offeror is incorrectly being intermingled with the compliance with the limitations on subcontracting in Section I of the solicitation. The question submitted sets forth the circumstances in which an offeror is entering into an arrangement with a subcontractor. A subcontracting arrangement can affect both size status and compliance

with the limitations on subcontracting requirements. The size status of the offeror is a matter of eligibility for award. See answer to question 227. Refer to Section L.1 of the Solicitation and 13 CFR Part 121, Small Business Size Regulations and 13 CFR Part 121, Subpart A, Size Eligibility Provisions and Standards. Offerors should thoroughly familiarize themselves with 13 CFR 121.103, "What is affiliation?" and seek expert advice, if necessary. This section (13 CFR 121.103) sets forth the factors that the SBA will consider in determining whether affiliation exists, including in subcontracting arrangements. It also addresses the ostensible subcontractor situation. Section L.1 of the solicitation also discusses subcontracting issues as they pertain to small business size status. The SBA website at www.sba.gov contains information regarding small businesses utilizing other small businesses and/or other entities in performance of the contract. Offerors are reminded that the Small Business Administration has sole and exclusive authority in determining the size status of a small business concern. However, the offeror must be a small business concern in order to receive the award.

Additionally, the offeror (the small business concerns) shall comply with the Limitations of Subcontracting Clause, FAR 52.219-14, which means that the small business offeror must perform at least 50 percent of the costs of the contract incurred for personnel with its own employees. See L.15 (n)(2). Compliance with the limitations on subcontracting clause is a matter of responsibility, not eligibility. If an offeror submits information that indicates that it is not performing at least 50 percent of the costs of the contract incurred for personnel with its **own** employees, the offeror would not be complying with the limitations on subcontracting. This is a matter of responsibility and the contracting officer would refer the matter to the Small Business Administration for a COC determination.

229: In structuring a management team can Key Personnel be employees of subcontractors or do they need to be employees of the Prime?

Can subcontractors as part of a Prime Team (i.e., Prime is a Small Business performing more than 59% of the work) serve as key personnel?

Can the subcontractor fill the role of Key Personnel or do all Key Personnel need to be employed by the Prime Contractor?

Answer: Offerors are reminded to carefully review the Small Business Regulations, including 13 CFR 121.103 'What is affiliation.' See also Section L.1 of the solicitation, which also addresses the issue regarding key personnel. The SBA considers many factors in determining whether a small business will be deemed to be affiliated with a subcontractor. The employer and/or employment arrangement for the key personnel is one of the factors considered by the SBA in making its determination. The SBA has issued extensive decisions concerning its

evaluation of affiliation of an offeror and the factors it considers, including key personnel issues and arrangements. Offerors should seek expert legal advice or other appropriate expert advice, as deemed necessary. The SBA website at www.sba.gov also contains guidance and information.

230: Section I.35 of the RFP discusses successor contracts and the obligation to provide wages and benefits. If the intent of DOE is to have the Infrastructure Contractor provide wages and benefits to PACE and grandfathered BJC employees that are at least comparable to what they now receive, please provide copies of any PACE or BJC pay scales.

Answer: Labor agreements are posted on the website. Current salary ranges and benefit details will be posted on the website.